

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALEXANDER BAYONNE STROSS,
an individual,

Plaintiff,

CASE NO. 1:19cv1022

v.

VICKY LYNN, an individual;
MOXIWORKS, LLC fka
WINDERMERE SOLUTIONS, LLC, a
Washington limited liability company;
and DOES 1-10, inclusive,

Defendants.

PLAINTIFF'S OBJECTION TO DEFENDANT'S REPLY IN SUPPORT OF
MOTION TO DISMISS

Plaintiff Alexander Bayonne Stross (“Plaintiff”) hereby objects to the arguments and evidence raised in the Reply brief (Dkt. No. 15), submitted by Defendant Vicky Lynn (“Defendant”) in support of her motion to dismiss, to the extent the Reply exceeds the five-page limit proscribed by the Local Rules.

This Court’s Local Rules provide that, unless leave of the Court is first obtained, reply briefs in support of non-dispositive motions are limited to five (5) pages. Local Rule CV-7(f)(3) (“Unless otherwise authorized by the court, a reply in support of a dispositive motion is limited to 10 pages and a reply in support of a

nondispositive motion is limited to 5 pages.”). Defendant disregarded these Rules and filed a Reply brief that was eleven pages long. *See* Dkt. No. 15. Defendant did not seek leave from the Court, or confer on the issue with Plaintiff, prior to filing a brief more than twice the permitted length. Plaintiff, on the other hand, worked diligently to keep his opposition brief within the limits proscribed by the Local Rules.

Accordingly, Plaintiff respectfully requests that the Court disregard the portions of Defendant’s Reply brief in excess of the page limit, namely all arguments and evidence following the last paragraph on page 6 of the Reply, beginning with: “Thus, even if the Ninth Circuit’s decision in *Mavrix* governed the analysis this Court should undertake here, the case is distinguishable on its facts and should not be followed.”

Dated: January 6, 2020

By: /s/ Jenny S. Kim

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2020, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Jenny S. Kim
Jenny S. Kim